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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,911	07/15/2003	Donald McCoy	D-1171 R	8962
28995	7590	08/12/2009	EXAMINER	
RALPH E. JOCKE			TRAN, HAI	
walker & jocke LPA				
231 SOUTH BROADWAY			ART UNIT	PAPER NUMBER
MEDINA, OH 44256			3694	
			MAIL DATE	DELIVERY MODE
			08/12/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/620,911	MCCOY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	HAI TRAN	3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 05 May 2009.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-34 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-34 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This is the communication in response to Applicant's Amendment/Remarks filed on May 5, 2009 for application, titled: "Automated Banking Machine Bootable Media Authentication".
2. Claims 1-34 remain pending in this application and have been examined.

#### ***Priority***

3. This application claims the benefit of U.S. Provisional Patent Application No. 60/396,607, filed 07/16/2002.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-34 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Cromer et al. (U.S. Patent Application No. 2002/0166072) ("Cromer").

7. **Regarding claim 1**, Cromer teaches a method comprising:

a) detecting with a computer of an automated banking machine for the presence of a bootable media in at least one alternative storage device drive of the automated banking machine (see Cromer, par. 6 “The Bios software includes a configuration routine that permits a user to select an order in which potential boot devices are checked by the BIOS”), wherein a BIOS of the computer specifies which of a plurality of storage device drives corresponds to a default storage device drive which does not require an input of a first BIOS password, and which of the plurality of storage device drives corresponds to the at least one alternative storage device drive which does require the input of the BIOS boot password (see Cromer, par. 26 “block 126 which depicts the BIOS software determining whether or not a correct entry of password is required to boot from the selected boot device”);

b) booting the computer responsive to a boot record on either the bootable media of the at least one alternative storage device drive or a bootable media of the default storage device drive (see Cromer, par. 26; Figure 2A);

wherein when the bootable media of the at least one alternative storage device drive is detected in step (a), the booting of the computer includes requiring at least once for a user to input a password, wherein when the inputted password corresponds to the BIOS boot password stored in the BIOS of the computer, the computer is booted responsive to the boot record on the bootable media of the at least one alternative storage device drive (see Cromer, Figure 2A and description); and

wherein when the bootable media of the at least one alternative storage device drive is not detected in step (a), the computer is booted responsive to a boot record on the bootable media of the default storage device drive without requiring a user to input the BIOS boot password (see Cromer, Figure 2A and description).

8. Cromer teaches a data processing system and method of password protecting the boot of a data processing system, but is silent on ATM. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the password protecting boot device as taught by Cromer to an ATM's computer since Cromer's teachings is toward to computer. The motivation is simply to provide a more and secure ATM system during a startup (see Cromer, par. 7).

9. **Regarding claim 2**, Cromer teaches that the method according to claim 1, wherein when the bootable media of the at least one alternative storage device drive is detected in step (a) and the BIOS boot password is not inputted within a predetermined amount of time, in step (b) the computer is booted responsive to the boot record of the bootable media of the default storage device drive (see Cromer, Figure 2A and description).

10. **Regarding claim 3**, Cromer teaches that the method according to claim 1, wherein when the bootable media of the at least one alternative storage device drive is detected in step (a) and at least once the inputted password does not correspond to the

BIOS boot password stored in the BIOS of the computer, in step (b) the computer is booted responsive to the boot record of the bootable media of the default storage device drive (see Cromer, Figure 2A and description).

11. **Regarding claim 4**, Cromer teaches that the method according to claim 1, and further comprising: c) executing at least one terminal control software component in the computer which is stored on the bootable media of the default storage device drive; and d) dispensing cash from a cash dispenser responsive to at least one terminal control software component (see Cromer, Figure 2A and description). Cromer is silent on ATM for dispensing cash. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the password protecting boot device as taught by Cromer to an ATM's computer since Cromer's teachings is toward to computer. The motivation is simply to provide a more and secure ATM system during a startup (see Cromer, par. 7).

12. **Regarding claim 5**, Cromer teaches that the method according to claim 1, and further comprising:

c) receiving a first input that is representative of a request to run a BIOS setup program (see Cromer, Figure 2A/element 106); and  
d) requiring a user to provide a second input that corresponds to the BIOS boot password stored in the BIOS prior to running the BIOS setup program (see Cromer, Figure 2A/element 126).

13. **Regarding claim 6**, Cromer teaches that the method according to claim 1, and further comprising: c) receiving a first input that is representative of a request to run a BIOS setup program; and d) requiring a user to provide a second input that corresponds to a BIOS program password stored in the BIOS prior to running the BIOS setup program (see Cromer, Figure 2A/element 106, 126).

14. **Regarding claim 7**, Cromer teaches that the method according to claim 6, wherein steps (b) and (c) both the BIOS boot password and the BIOS program password are stored in the BIOS of the computer (see Cromer, par. 6).

15. **Regarding claim 8**, Cromer teaches that the method according to claim 1, wherein in step (b) the default storage device drive and associated bootable media correspond to a hard drive (see Cromer, par. 7).

16. **Regarding claims 9-13**, Cromer teaches wherein in step (b) the bootable media of the at least one alternative storage device drive corresponds to a portable media; wherein the portable media is a floppy disk, CD, DVD, and a portable hard drive (see Cromer, par. 7).

17. **Regarding claims 16 and 19**, these claims are similar to claims 1-13 and have the same steps and limitations. Hence, they are rejected under the same rationale provided in claims 1-13 (see the entire Cromer document).

18. **Regarding claims 14-15, 17-18, 20-21**, these claims are the computer readable media claims for implementing the method claims 1-13. They have the same steps and limitations. Hence, they are rejected under the same rationale provided in claims 1-13.

19. **Regarding claims 22-34**, these are the machine claims and have the limitations as the method claims 1-13. Hence, they are rejected under the same rationale provided in claims 1-13.

### *Conclusion*

20. Claims 1-34 are rejected.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAI TRAN whose telephone number is (571)272-7364.

The examiner can normally be reached on M-F, 9-4 PM.

22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

23. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. T./  
Examiner, Art Unit 3694

/James P Trammell/  
Supervisory Patent Examiner, Art Unit 3694